

**Hearing Date: To be determined**  
**Response Deadline: May 23, 2011**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re: LYONDELL CHEMICAL COMPANY, <u>et al.</u> ,  Debtors.	Case No. 09-10023 (REG)  Chapter 11
EDWARD S. WEISFELNER, AS LITIGATION TRUSTEE OF THE LB LITIGATION TRUST,  Plaintiff,  v.  A HOLMES & H HOLMES TTEE, <u>et al.</u> ,  Defendants.	(Jointly Administered)  Adv. Pro. No. 10-05525 (REG)  <b>NOTICE OF MOTION TO DISMISS THE COMPLAINT</b>

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint, and the Declaration of Jeremy S. Winer, dated April 7, 2011, and exhibits thereto, Defendants Morgan Stanley & Co. Incorporated; State Street Bank & Trust Company; Credit Suisse Securities (USA) LLC; J.P. Morgan Clearing Corp.; Deutsche Bank Securities Inc.; National Financial Services LLC; Brown Brothers Harriman & Co.; PNC Bank, National Association (in its capacity as PNC Bank, National Association and as successor-by-merger to National City Bank); Edward D. Jones & Co., L.P.; Amalgamated Bank; Scotia Capital Inc.; Doft and Co., Inc.; Elisabeth H. Doft; Mitsubishi UFJ Trust & Banking Corporation (U.S.A.); MJR Partners; BMO Nesbitt Burns Inc.; BMO Nesbitt Burns Trading Corp. S.A.; Bank of Tokyo-Mitsubishi UFJ Trust Company; RBC Dominion Securities; Union Bank, N.A. (f/k/a Union Bank of California, N.A.); Ferris, Baker Watts, Incorporated; Swiss American Securities, Inc.; TD Waterhouse Canada; Custodial Trust Company; U.S. Bank N.A.; and HBK Master Fund L.P. by and through their undersigned counsel, will move before the Honorable Robert E. Gerber, United States Bankruptcy Judge, of the United States Bankruptcy Court, Southern District of New York, Manhattan Division, One Bowling Green, New York, New York, on a date and at a time to be determined, for an Order dismissing the Complaint with prejudice pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), as incorporated in Fed. R. Bank. P. 7012.

Dated: April 7, 2011

Respectfully Submitted,

WILMER CUTLER PICKERING  
HALE AND DORR LLP

By: /s/ Philip D. Anker

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